



PATENT  
Attorney Docket 056100-5039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <b>Wolf B. Frommer <i>et al.</i></b>	)	Confirmation No. <b>4393</b>
	)	
Application No. <b>09/913,767</b>	)	Group Art Unit: <b>1638</b>
	)	
Filed: <b>January 10, 2002</b>	)	Examiner: <b>Ibrahim, M.A.</b>
	)	
For: <b>Nucleic Acids that Code for a Nucleobase</b>	)	
<b>Transporter</b>	)	

**NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated January 12, 2006 of the Examiner finally rejecting claims 23, 25, 26, 28 to 34, 37, 38, 41, 42, 45 to 48 and 56 to 67 (claims 35, 36, 40 and 44 having been withdrawn from consideration).

The Commissioner is hereby authorized to charge **\$250.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **July 12, 2006**  
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Respectfully submitted,  
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